

CITY OF TEMPE, ARIZONA
PUBLIC WORKS DEPARTMENT
DIVISION OF ENGINEERING

JOB ORDER CONTRACT
FOR

PAVING AND SURFACING OF STREETS
AND CITY FACILITIES

PROJECT NO. 5406011

ADDENDUM NO. 2
TO CONTRACT C2007-218

This Addendum made and entered into on the 7th day of January, 2010, by and between the City of Tempe, Arizona, an Arizona municipal corporation (“City”), and Sunland, Inc. - Asphalt & Sealcoating, an Arizona corporation (“Contractor”), amends the original agreement made and entered between the same parties on December 6, 2007, (C2007-218) along with that certain Addendum No. 1 entered into on January 22, 2009, (collectively “Contract”).

R E C I T A L S:

- A. As parties hereto entered into that Contract for Paving and Resurfacing of Streets and City Facilities, said Contract has proven to be an efficient and cost-effective method for City projects and City requires ongoing support services from Contractor.
- B. The parties desire to further define their respective rights and obligations with respect to the Job Order Price and Contract Term.

- C. The parties intend that the following sections shall be integrated into the Contract in place of the former similarly identified section, if any, and that this Addendum be given the full force and effect of law as the Contract.

Now therefore, in consideration of the mutual promises and covenants as more particularly set forth below, the parties do hereby amend the Contract to read as follows:

1. Job Order Price. Table 1 in the original Contract shall be replaced with the following:

Table 1
(Job Order Price versus Overhead and Profit Multiplier)

Job Order Price *	\$0 to \$49,999	\$50,000 to \$99,999	\$100,000 to \$199,999	\$200,000 to \$499,999	\$500,000+
Overhead and Profit Multiplier	1.120	1.10	1.08	1.07	1.06

- The combined total of the Job Order Price is used in Table 1 for determining the Overhead and Profit Multiplier.

2. Contract Term. The term of the Contract shall be extended through January 22, 2011, or until \$4,000,000 has been expended by the City pursuant to the original Contract, which ever occurs first.

3. All other provisions of the original Contract where not inconsistent with this Addendum shall remain binding on the parties hereto.

[SIGNATURE PAGE FOLLOWS]

DATED this _____ day of _____, 2010.

CITY OF TEMPE, ARIZONA

By: _____
Mayor

By: _____
Public Works Manager

ATTEST:

Recommended By:

City Clerk

Deputy PW Manager/City Engineer

APPROVED AS TO FORM:

City Attorney

JOC warrants that the person who is signing this Addendum on behalf of the JOC is authorized to do so and to execute all other documents necessary to carry out the terms of this Addendum.

CONTRACTOR
Sunland Inc. – Asphalt & Sealcoating

Name

Title

Federal I.D. No./Social Security No.

Certified to be a true and exact copy.

Karen M. Fillmore
Records Specialist